

**RULES
OF
TENNESSEE DEPARTMENT OF HUMAN SERVICES
FAMILY ASSISTANCE DIVISION**

**CHAPTER 1240-1-13
CASE RECORD MANAGEMENT**

TABLE OF CONTENTS

1240-1-13-.01	Case Record Management	1240-1-13-.03	Reserved for Future Use
1240-1-13-.02	Other Requests for Information		

1240-1-13-.01 CASE RECORD MANAGEMENT.

- (1) Reserved for Future Use.
- (2) Reserved for Future Use.
- (3) Reserved for Future Use.
- (4) Reserved for Future Use.
- (5) Confidentiality Of Case Records.
 - (a) The Department of Human Services in Tennessee, in accordance with the laws of this State and the Federal statutes pertaining to this subject, has adopted the policy of maintaining the confidential nature of Family Assistance information. This same policy applies to all case records. whether Family Assistance or otherwise.
 - (b) Information Considered Confidential. In general, the information listed below will be considered as confidential:
 1. Case records.
 2. Lists of Family Assistance recipients.
 3. Reports of investigations and medical investigations.
 4. Names and addresses of Family Assistance recipients.
 5. All other information known to the agency in connection with Family Assistance and other services.
 6. Information contained on applications and on various forms.
 - (c) Exceptions to 1240-1-13-.01(5)(b) above:
 1. Release to law enforcement officials to assist in prosecuting fraud against the Department or of child abuse.
 2. Release to appropriate agencies assisting in collection of child support in the AFDC program.

(Rule 1240-1-13-.01, continued)

3. Release to service providers, such as mental health professionals, providing services to abusive or neglectful parents.
 4. Release to Employment Security for work registration requirements or WIN.
 5. Release to the child's guardian ad item in child custody and guardianship cases.
 6. Disbursement report. AFDC only.
 7. Total expenditure of funds.
 8. Number of recipients and other statistical information.
 9. Social data continued in general studies.
 10. Reports on surveys.
- (d) Release of Information to the Applicant/Recipient or His/Her Representative.
1. Food Stamp Records. Information in Food Stamp records will be made available upon written request to a responsible member of the Food Stamp household, the household's currently authorized representative, or a person acting on the household's behalf during normal business hours. If the person seeking to inspect the record is not a member of the household, the currently authorized representative, or a licensed attorney representing the household, written authorization from the household for the person to act on its behalf is required. However, the county office may withhold confidential information such as the names of individuals who have disclosed information about the household without the household's knowledge, or the nature or status of pending criminal prosecutions.
 2. AFDC Records. The applicant/recipient shall have adequate opportunity at any reasonable time to examine, copy, and make notes about the contents of the case file about his/her circumstances maintained by DHS. The applicant/recipient may be accompanied and assisted by another individual, including a non-lawyer, to review the file with him/her. When the applicant/recipient has secured the service of an attorney, the attorney and that attorney's authorized non-lawyer employee shall have access at any reasonable time and upon written request to examine, copy, and make notes about the contents of the A/R's case file. The attorney must provide a written request which:
 - (i) includes the attorney's confirmation that the A/R has retained him/her as counsel;
 - (ii) provides assurance that the confidential nature of the information will be preserved;
 - (iii) provides assurance that the information will be used only for the purpose for which it is made available.

The individual granted access to the case record can only be the applicant/recipient, an individual accompanying and assisting the A/R in the A/R's presence, the A/R's attorney, or that attorney's non-lawyer employee whom the attorney supervises.

(Rule 1240-1-13-.01, continued)

Identification of the individual requesting access will be verified, unless she/he is known to the worker or other staff in the office.

3. Merged Records. AFDC/FS. When individuals who are permitted access to the Food Stamp case, but not the AFDC case record, request access to the merged record, information regarding the AFDC program will be temporarily removed from the case folder.
 4. Protection of Case Material - AFDC/FS. A staff member will remain with an applicant/recipient, a claimant, or his/her representative who is reviewing a case folder document or is copying material from the folder to ensure that no material is removed from and subsequently not returned to the folder and to ensure that the original document (not the copy) is replaced in the folder.
 5. Access to Sensitive Data - AFDC/FS. While an applicant/recipient or his/her representative cannot be denied access to any portion of the case folder, at times there is information in the folder which could be damaging to the person. This is particularly true of medical/psychiatric/psychological reports. Also, some material is labeled "Confidential" by the provider. When such circumstances exist and the person is represented by an attorney, the attorney will be asked to consider the advisability of him/her having access to the documents but withholding them from the applicant/recipient. However, this decision must be made by the attorney/client and not by DHS staff.
 6. Interpretation of Case Material - AFDC/FS. Staff will make no effort to interpret or explain forms, documents, or other information contained in a case folder being reviewed by an applicant/recipient or his/her representative.
 7. Making Copies of Information in Case Record - AFDC/FS. Applicant/recipient or their representatives are to be permitted to make copies of any pertinent information which they are allowed to see. Upon an appellant's/his/her representative(s) request, one copy of portions of the case file relevant to the fair hearing/fraud hearing shall be furnished free of charge. When copying equipment is available, copies of other case file material may be furnished to an A/R, or an appellant, or an applicant/recipient's/appellant's representative at a charge of 10 cents per page (e.g., a charge of 20 cents would be made if the front and back of one page were copied). Under no circumstances will an applicant/recipient or his/her representative be permitted to remove a case folder from the county office. Neither will a staff member be furnished to take a folder from the office for the purpose of making copies of file material.
- (e) Release of Information to Persons Other Than the Recipient or Someone Acting on His/Her Behalf. Except as specified below, no information from case records in the possession of this Department is to be released to anyone outside this Department other than the Applicant/Recipient or his/her representative. The exceptions to this policy:
1. Food Stamps Only. Use or disclosure of information obtained from Food Stamp applicant households exclusively for the Food Stamp Program is restricted to the following persons:
 - (i) Persons directly connected with the administration or enforcement of the provisions of the Food Stamp Act or regulations, other federal assistance

(Rule 1240-1-13-.01, continued)

- programs, or federally assisted state programs which provide assistance on a means-tested basis to low income individuals;
- (ii) Employees of the Comptroller General's office of the United States for audit examination authorized by any other provision of law; and
 - (iii) Local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act or regulations. The written request must include the identity of the individual requesting the information, his authority to do so, the violation being investigated, and the identity of the person on whom the information is sought.
 - (iv) Local, state, or federal law enforcement officials may receive the address, Social Security Number, and (if available) photograph of a Food Stamp recipient if the officer furnishes the recipient's name and notifies the Department that the individual:
 - (I) is fleeing to avoid prosecution, custody, or confinement for a felony; or
 - (II) is violation a condition of parole or probation; or
 - (III) has information necessary for the officer to conduct an official duty related to items (I) and (II); and
 - I. locating or apprehending the household member must be an official duty of the officer making the request; and
 - II. the request is being made in the proper exercise of an official duty.
2. AFDC Only - Sharing of Information with Other Agencies. In the administration of the Family Assistance program and in connection with the individual case situations, information may be given as operates to the welfare of the individual, if the disclosure of such information does not operate to his/her embarrassment or possible exploitation. Information may be shared in these situations, when the following safeguards are observed:
- (i) The inquiring agency or individual has given assurance that the confidential nature of the information will be preserved.
 - (ii) The agency or individual has given assurance that the information will be used only for the purposes for which it is made available, such purposes being reasonably related to the purposes of the Family Assistance Program, and the function of the inquiring party.
 - (iii) The standards of protection established by the agency or individual are equal to those established by the Department.
3. Release to Law Enforcement Officials - AFDC Only. Information may be released to appropriate law enforcement officials as may be needed by them in the apprehension and/or conviction of felons. This exception does not authorize release of information to assist process servers or others needing it for civil reasons.

(Rule 1240-1-13-.01, continued)

4. Release Pursuant To Valid Subpoena Or Court Order - Food Stamps/AFDC. The Department will comply with a valid subpoena or court order for the release of information. If the subpoena would allow unrestricted access to the records, however, the court will be asked to limit the scope of discovery.
5. Disbursement Records Available To The Public In County Offices - AFDC Only.
 - (i) Disbursement records shall be placed in a binder provided for this purpose in a convenient place in the office so they will be available to the public.
 - (I) A copy of House Bill No. 322 (March, 1953) shall be pasted on the inside of the front cover of the binder.
 - (II) A register for the signatures of individuals who inspect the disbursement records shall be maintained as a permanent record. The date of inspection shall be included on the register.
 - (ii) It is unlawful for an individual to copy disbursement records. If such an attempt is made, the staff present shall call the individual's attention to the law. If the individual should persist in his/her effort, a law enforcement officer shall be called and asked to stop the illegal act.
 - (iii) Reserved for future use.

Authority: TCA §§14-1-105(12); 14-8-106; 14-8-119, and 14-27-104(2); 7 CFR 272.1 (as amended 49 Federal Register 48680) and 45 CFR 205.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed August 23, 1983; effective September 22, 1983. Amendment filed April 30, 1985; effective May 30, 1985. Amendment filed March 10, 1986; effective June 14, 1986. Amendment filed April 3, 1997; effective June 18, 1997.

1240-1-13-.02 OTHER REQUESTS FOR INFORMATION. All other requests for information received by the Department or any of its divisions should be referred through channels to the Director of Family Assistance.

- (1) Reserved for future use.
- (2) Reserved for future use.
- (3) Applications by Department Employees and Their Relatives. To avoid conflict of interest and insure privacy, special handling is given to Tennessee Department of Human Services employees and their relatives who apply for and receive Family Assistance benefits.
 - (a) The County Director or Regional Director, as appropriate, must be made aware of applications, recertifications, or case reviews for Family Assistance from an employee of the Department or from an employee's mother, father, grandparents, brother, sister, aunt, uncle, child, or member of the employee's household. Such actions are to be processed by a first-line Supervisor or other person designated by the County Director or Regional Director as appropriate.
 - (b) Each county shall develop a plan for limited access to these case records by other staff members and the employee himself/herself.

Authority: TCA §14-8-119; 45 CFR 205.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

(Rule 1240-1-13-.02, continued)

1240-1-13-.03 RESERVED FOR FUTURE USE.

***Authority:** TCA §14-8-119; 45 CFR 205.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.*